

REMARKS

Claims 1-7 are presently pending in this application. Claims 2-7 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Tanaka et al., U.S. Pat. No. 6,526,842.

Claims 3-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al., U.S. Pat. No. 6,526,842.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a structure for mounting a shift operation device on a vehicle body, including a support member having a first part to be fixed on the vehicle body, and a second part to support the shift operation device so as to be dropped downwardly with the shift operation device when a larger load than that of a predetermined value is applied to the first part, wherein the first and second parts are integrally formed into a single component, the shift operation device being mounted on the vehicle body via the support member so that the larger load than that of the

predetermined value can break and drop the shift operation device.

A conventional structure for mounting a shift operation device on a vehicle body is configured such that a plastic pin does not break away unless a vehicle crash forces a passenger to be moved forwardly and hit against a selector lever of a shift operation device. Thus, there is a problem that an impact of a passenger on an instrument panel does not break the plastic pin to drop the shift operation device. Since the shift operation device cannot break away, a problem is that an impact load of a secondary crash to be applied to the passenger cannot be absorbed or reduced. (See Application at page 2, lines 8-17.)

The claimed invention (e.g., as recited in claim 1), on the other hand, includes a structure for mounting a shift operation device on a vehicle body including *a support member having a first part to be fixed on the vehicle body and a second part to support said shift operation device*. The importance of having a both a first *and* a second part comprising the support member facilitates an adequate load factor for breaking and dropping the shift operation device. (See Application at page 3, lines 2-11.)

II. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 102(e) Rejection over Tanaka et al., U.S. Pat. No. 6,526,842

The Examiner alleges that Tanaka et al., U.S. Pat. No. 6,526,842, (Tanaka), teaches the invention of claims 1 and 2. Applicant submits, however, that Tanaka does not teach or suggest each and every element and feature of the claimed invention.

The Office Action equates Applicant's *first part* with Tanaka's mounting bracket 5', and Applicant's *second part* with Tanaka's body of the shifting apparatus 12' and guard member 15.

However, Applicant's claimed invention recites, "*a support member having a first part to be fixed on the vehicle body, and a second part to support said shift operation device.*" The Examiner errs in equating Applicant's second part to support said shift operation device with Tanaka's body of the shifting apparatus 12', since the body 12' of the shift apparatus is the shift operation device. Consequently, Applicant's claimed element of a *second part* that supports a shift operation device is not properly addressed in the instant rejection.

Further, body 12' does not teach or suggest the claimed "second part." Indeed, Tanaka fails to teach a second part that supports a shift operation device:

A mounting bracket 5' has bolt holes 5'a through 5'd and the body 12' of the shifting apparatus is secured to brackets supported on the body of the vehicle by bolts passed through the bolt holes. (Column 7, lines 13-15.)

Tanaka merely teaches a first part 5' is attached to a shift operation device 12' that is secured to brackets supported on the body of the vehicle by bolts passed through the bolt holes, (see above reference to Tanaka).

Therefore, Tanaka fails to teach or suggest, "*a support member having a first part to be fixed on the vehicle body, and a second part to support said shift operation device.*"

Furthermore, a feature of claim 1 of the present invention includes the support member having the first part as fixed on the vehicle body, and the second part for supporting the shift operation device, wherein the first and second parts are integrally formed.

Although the Examiner regards the member 12 in Tanaka as the second part, it is just a shift operation device itself. In other words, Tanaka neither discloses nor suggests the above-mentioned feature of claim 1.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this

rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

Since claims 2-7 are directly or indirectly dependent on claim 1, these claims also are patentable.

B. 35 U.S.C. § 103(a) Rejection over Tanaka et al., U.S. Pat. No. 6,526,842

The Examiner alleges that Tanaka et al., U.S. Pat. No. 6,526,842, (Tanaka), teaches the invention of claims 3-7. Applicant submits, however, that Tanaka does not teach or suggest each and every element and feature of the claimed invention.

With respect to the rejection of Applicant's dependent claims 3-7, Applicant respectfully submits that Tanaka, as argued above, fails to teach or suggest, "*a support member having a first part to be fixed on the vehicle body, and a second part to support said shift operation device.*"

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

Minor editorial amendments have been made to the specification.

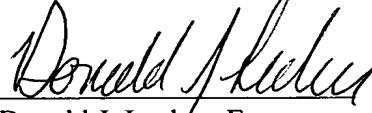
In view of the foregoing, Applicant submits that claims 1-7, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



Donald J. Lecher, Esq.

Reg. No. 41,933

Sean M. McGinn, Esq.

Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254